

Appln. No. 10/618,249
Amendment after Final Rejection dated April 16, 2007
Attorney Docket No. 47004.000251
June 25, 2007

REMARKS

Claims 1, 35-60 and 64 are pending in this application. Claims 1 and 35 have been amended. Claims 61-63 and 65-67 have been canceled. Support for these amendments can be found in the Specification as filed at least at p. 9, line 20 through p. 11, line 9. No new matter has been added by way of this amendment.

Claims 60, 63, 64 and 67 have been rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. *See* Final Rejection at p. 2. Claims 1 and 35-59 have been rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 6,014,645 to Cunningham ("Cunningham") in view of "VISA, MBNA and De La Rue Launch Multi-Function Smart Card Program," De La Rue PLC 7/06/1998 ("De La Rue"). *See* Final Rejection at pp. 2-13. Applicants respond as follows.

I. Rejections Under 35 U.S.C. § 112, First Paragraph – Written Description Requirement.

Claims 1 and 35-59 were previously rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. *See* Office Action dated September 27, 2006 at p. 2. Claims 1 and 35 were amended in response. Applicants thank the Examiner for withdrawing these rejections.

Claims 60, 63, 64 and 67 have been rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. *See* Final Rejection at p. 2. Claims 63 and 67 have been canceled. The Examiner states that "a person of ordinary skill in the art would not read the specification and conclude, from the broad reference of various credit cards, that some well-known features of storing information on these credit cards are excluded unless explicitly stated." Final Rejection at p. 16. Applicants respectfully submit that claims 60 and 64 have been amended to recite that the machine-readable format comprises a magnetic strip, an embossment, visible printing, an RFID tag, a smart chip or any combination thereof. Accordingly, Applicants respectfully request that the rejections of claims 60 and 64 should be withdrawn in light of these claim amendments, and that the rejection of claims 63 and 67 should be withdrawn as moot.

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II. Rejections Under 35 U.S.C. § 103(a).

Claims 1 and 35-59 have been rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 6,014,645 to Cunningham ("Cunningham") in view of "VISA, MBNA and De La Rue Launch Multi-Function Smart Card Program," De La Rue PLC 7/06/1998 ("De La Rue"). See Final Rejection at pp. 2-13.

Claims 1 and 35 have been amended to recite a method for activating a multi-value card having at least one feature and at least one optional secondary feature (claim 1) or "features" (claim 35) and to include the limitation of "wherein an application for the multi-value card is processed as part of an integrated application process whereby the primary multi-value card use, the secondary credit card feature and any additional use features are established in response to a single customer application and wherein the primary multi-value card use, the secondary credit card feature and any additional use features are linked as of the time the multi-value card is issued or activated" (claim 1) or "wherein an application for the multi-value card is processed as part of an integrated application process whereby the features of the multi-value card are established in response to a single customer application and wherein the features of the multi-value card are linked as of the time the multi-value card is issued or activated" (claim 35). Applicants respectfully submit that neither Cunningham nor De La Rue, alone or in combination, discloses these limitations of claims 1 and 35 and, therefore, these references do not support a *prima facie* case of obviousness.

De La Rue discloses a program that combines credit, stored value, and loyalty functions on a single smart card, and compares its technology of a card having an embedded microchip to former technology including magnetic stripe cards. See De La Rue at p.1, para. 1. De La Rue does not disclose a multi-value card having multiple features that is activated as claimed in independent claims 1 and 35, wherein the different features of the multi-value card are established in response to a single customer application and are linked as of the time the multi-value card is issued or activated.

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Cunningham discloses a system for presenting financial card offers to potential customers. *See* Abstract. The system of Cunningham "allows users to peruse and accept financial card offers from financial institutions interested in locating customers who meet specific selection criteria." Col. 2, lines 12-15. The user is prompted to provide "pertinent information," and additional information may be obtained using the information provided by the user. Col. 2, lines 15-18. The user is assigned a "financial risk rating" or "grade/score" which can be used to identify financial card offers. Col. 2, lines 18-23. The user can accept an offer, and the user is sent a financial card in accordance with the offer. Col. 2, lines 24-29.

The Examiner states that Cunningham "discloses a method using a computer system for a real time customer activation of a value card having a primary feature wherein the system automatically processes a customer's activation of the value card (Column 2, lines 9-29) . . ." Final Rejection at pp. 2-3. Applicants previously argued that neither this cited section, nor any section, of Cunningham discloses a computer system for customer activation of a value card having a primary feature wherein the system automatically processes a customer's activation of the value card. The Examiner responded that the sending of the card to the user constitutes "activating" a card. *See* Final Rejection at p. 13. While Applicants disagree that sending a card constitutes "activating" a card because it is also well known today that one cannot use an approved card that is received in the mail unless he/she takes some steps to activate that card, Applicants regardless note that Cunningham does not disclose that the different features of the multi-value card are established in response to a single customer application and are linked as of the time the multi-value card is issued or activated.

Accordingly, Cunningham and De La Rue in combination do not support a *prima facie* case of obviousness because they do not disclose each and every limitation of claims 1 and 35. Applicants respectfully submit that these rejections be withdrawn.

Further, since claims 36-60 and 64 are dependent from claims 1 and 35, the rejections under 35 U.S.C. § 103(a) over Cunningham and De La Rue should be withdrawn over these additional claims for the same reasons. For the foregoing reason, Applicants respectfully request that the rejections be withdrawn.

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III. Response to Examiner's Arguments.

Applicants again disagree with the Examiner that De La Rue does not teach away from the claimed invention. However, since De La Rue and Cunningham do not disclose a multi-function card where the different features of the multi-value card are established in response to a single customer application and are linked as of the time the multi-value card is issued or activated, Applicants submit that the claims are allowable over these references.

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CONCLUSION


Applicants respectfully submit that claims 1, 35-60 and 64 are in condition for allowance and earnestly solicit the same in view of the amendments and remarks made herein. This Amendment after Final Rejection has been filed within three months of the mailing date of the Final Rejection dated April 16, 2007, and Applicants believe that no fees are due upon the filing of this Amendment. If any fees are determined to be due, please charge those fees to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

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